

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2008/073599

International filing date (day/month/year)
19.08.2008

Priority date (day/month/year)
23.08.2007

International Patent Classification (IPC) or both national classification and IPC
INV. G07F17/32 G06K9/00

Applicant
IGT

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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Date of completion of
this opinion

see form
PCT/ISA/210

Authorized Officer

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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:
 - ☒ the international application in the language in which it was filed
 - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ on paper
 - ☐ in electronic form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in electronic form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	<u>1-36</u>
Inventive step (IS)	Yes: Claims	
	No: Claims	<u>1-36</u>
Industrial applicability (IA)	Yes: Claims	<u>1-36</u>
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1). Prior Art

Reference is made to the following documents:

D1: US 2006/258427 A1 (ROWE RICHARD E [US] ET AL) 16 November 2006

D2: BAZAKOS M E ET AL: "Fast access control technology solutions (FACTS)" PROCEEDINGS. IEEE CONFERENCE ON ADVANCED VIDEO AND SIGNAL BASED SURVEILLANCE, 2005. COMO, ITALY SEPT. 15-16, 2005, PISCATAWAY, NJ, USA, IEEE, 15 September 2005 (2005-09-15), pages 312-317, XP010881194 ISBN: 978-0-7803-9385-1

D3: DOWDALL-I PAVLIDIS-G BEBIS J: "A face detection method based on multi-band feature extraction in the near-IR spectrum" 14 December 2001 (2001-12-14), PROCEEDINGS IEEE WORKSHOP ON COMPUTER VISION BEYOND THE VISIBLESPECTRUM: METHODS AND APPLICATIONS, XX, XX, XP002369556

2). Clarity - Multiple independent claims

The multiplicity of definitions of the invention given in independent claims **1,20** is contrary to the requirements of Article 6 PCT. For the sake of clarity, the present application may contain more than one independent claim in the same category only if the subject-matter of the application involves (a) a plurality of inter-related products (such as a plug and a socket), (b) different uses of a product, or (c) alternative solutions to a particular problem which cannot be covered by a single claim. None of these apply in the present case.

Moreover, the claim set should be formulated concisely. Further, a diversity of wording for defining one and the same invention should be avoided in order not to render the claims inconsistent with each other and thus unclear.

Consequently, in the present case, it is appropriate to use only one independent claim per category.

3). Novelty

D1 proposes a system meant to track individual within the premises of casinos. The system of D1 is based on cameras connected to a distributed computer system as shown in Figures 2 and 3, as well as in claim 1.

Not only is the technical skeleton underlying the subject matter of claim 1 not novel, it also clearly appears that the ways it is programmed (unspecific rule set of events leading to an undefined categorization of patrons in a database) is fully anticipated by the teaching of D1.

Therefore claim 1 lacks novelty under Article 33(2) PCT.

4). Inventive step

Having regards to the present application in toto and bearing in mind the teaching of D1, it is not apparent what technical contribution to the state of technology could be acknowledged nor is it possible to see what surprising technical effect has to be expected therefrom. Thus, no inventive step can be acknowledged under Article 33(3) PCT.

5). Independent method claim 31

Claim 31 is based on features corresponding to those of claim 1 and therefore calls *mutatis mutandis* for the same objections.

6). Dependent claims

The supplementary features of the dependent claims show programming preferences to be implemented according to the circumstances. It has to be noted that those features are merely defined by means of broad functional terms letting open any possible interpretation as to their concrete implementation by the skilled person. Nonetheless, those options are also covered by the passages of D1 cited

in the Search Report and above. It is not apparent how -should they be combined with an independent claim- they would contribute to the resolution of a technical problem so that they are at least not inventive.

Possible steps after receipt of the international search report (ISR) and written opinion of the International Searching Authority (WO-ISA)

General information

For all international applications filed on or after 01/01/2004 the competent ISA will establish an ISR. It is accompanied by the WO-ISA. Unlike the former written opinion of the IPEA (Rule 66.2 PCT), the WO-ISA is not meant to be responded to, but to be taken into consideration for further procedural steps. This document explains about the possibilities.

Amending claims under Art. 19 PCT

Within 2 months after the date of mailing of the ISR and the WO-ISA the applicant may file amended claims under Art. 19 PCT directly with the International Bureau of WIPO. The PCT reform of 2004 did not change this procedure. For further information please see Rule 46 PCT as well as form PCT/ISA/220 and the corresponding Notes to form PCT/ISA/220.

Filing a demand for international preliminary examination

In principle, the WO-ISA will be considered as the written opinion of the IPEA. This should, in many cases, make it unnecessary to file a demand for international preliminary examination. If the applicant nevertheless wishes to file a demand this must be done before expiry of 3 months after the date of mailing of the ISR/ WO-ISA or 22 months after priority date, whichever expires later (Rule 54bis PCT). Amendments under Art. 34 PCT can be filed with the IPEA as before, normally at the same time as filing the demand (Rule 66.1 (b) PCT).

If a demand for international preliminary examination is filed and no comments/amendments have been received the WO-ISA will be transformed by the IPEA into an IPRP (International Preliminary Report on Patentability) which would merely reflect the content of the WO-ISA. The demand can still be withdrawn (Art. 37 PCT).

Filing informal comments

After receipt of the ISR/WO-ISA the applicant may file informal comments on the WO-ISA directly with the International Bureau of WIPO. These will be communicated to the designated Offices together with the IPRP (International Preliminary Report on Patentability) at 30 months from the priority date. Please also refer to the next box.

End of the international phase

At the end of the international phase the International Bureau of WIPO will transform the WO-ISA or, if a demand was filed, the written opinion of the IPEA into the IPRP, which will then be transmitted together with possible informal comments to the designated Offices. The IPRP replaces the former IPER (international preliminary examination report).

Relevant PCT Rules and more information

Rule 43 PCT, Rule 43bis PCT, Rule 44 PCT, Rule 44bis PCT, PCT Newsletter 12/2003, OJ 11/2003, OJ 12/2003

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